



Journal of the House

State of Indiana

114th General Assembly

First Regular Session

Twenty-seventh Meeting Day

Tuesday Afternoon

March 8, 2005

The House convened at 1:30 p.m. with the Speaker in the Chair.

The invocation was offered by Imam Mongy ElQuesney, NorthWest Indiana Islamic Center, Crown Point, the guest of Representative Duane Cheney.

The Pledge of Allegiance to the Flag was led by Representative Cheney.

The Speaker ordered the roll of the House to be called:

T. Adams	Klinker
Aguilera	Koch
Alderman ☐	Kromkowski
Austin	Kuzman
Avery	L. Lawson
Ayres	Lehe
Bardon	Leonard
Bauer ☐	J. Lutz
Becker	Mahern
Behning	Mays
Bischoff	McClain
Borders	Messer
Borrer	Micon
Bottorff	Moses
Bright	Murphy ☐
C. Brown	Neese
T. Brown	Noe
Buck	Orentlicher
Budak	Oxley
Buell	Pelath
Burton	Pflum
Cheney	Pierce
Cherry	Pond
Cochran	Porter
Crawford	Reske
Crooks	Richardson
Davis	Ripley
Day ☐	Robertson
Denbo	Ruppel
Dickinson ☐	Saunders
Dobis	J. Smith
Dodge	V. Smith
Duncan	Stevenson
Dvorak	Stilwell
Espich	Stutzman
Foley	Summers
Friend	Thomas
Frizzell	Thompson
Fry	Tincher
GiaQuinta	Torr
Goodin	Turner
Grubb	Ulmer
Gutwein	VanHaften
E. Harris	Walorski
T. Harris	Welch
Heim	Whetstone
Hinkle	Wolkins
Hoffman	Woodruff
Hoy	Yount ☐
Kersey ☐	Mr. Speaker

Roll Call 237: 93 present; 7 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, March 10, 2005 at 1:30 p.m.

BEHNING

Motion prevailed.

RESOLUTIONS ON FIRST READING

House Resolution 18

Representatives Behning and Bosma introduced House Resolution 18:

A HOUSE RESOLUTION recognizing the week of March 6-12, 2005 as Lutheran Schools Week and acknowledging Lutheran Schools for their excellence in education.

Whereas, Congregations of the Lutheran Church Missouri Synod maintain the largest Protestant school system in the United States, enrolling over two million students in over 1,900 preschools, elementary schools, secondary schools, and colleges served by over 12,000 teachers and professors with a support system of over 6,000 congregations;

Whereas, The purpose and mission of Lutheran Schools is to equip children, youth, young adults, and their parents to fulfill the great commission of Jesus Christ by baptizing and teaching; and to this end, prepare them for service and leadership in Lutheran congregations;

Whereas, The Lutheran Church Missouri Synod is the second largest private educator in the country with 2,829 Lutheran Church Missouri Synod Schools in the United States;

Whereas, There are 1,700 Early Childhood Schools, 1,038 Elementary Schools, and 91 High Schools declared as Lutheran Church Missouri Synod Schools in the United States;

Whereas, There are 14,300 children in Lutheran Church Missouri Synod Schools in Indiana;

Whereas, There are 300,000 children attending Lutheran Church Missouri Synod Schools in the United States;

Whereas, There are 119 Lutheran Church Missouri Synod Schools in Indiana;

Whereas, There are 62 Early Childhood Schools, 55 Elementary Schools, and 4 High Schools that are Lutheran Church Missouri Synod Schools in Indiana;

Whereas, Teaching the young in full-time Lutheran Schools has been an integral part of the heritage and life of the Christian Church Missouri Synod from its 1846 beginning; and

Whereas, Graduates of Lutheran Schools have gone on to distinguish themselves through service and leadership in community, government, and the church: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the House of Representatives of the Indiana General Assembly commends the Lutheran Church Missouri Synod Schools for their excellence in education and recognizes March 6-12, 2005 as Lutheran Schools Week.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the Executive Director of Lutheran Schools, David C. Beringer; the Principal of Lutheran High School, Gary St. Clair; Administrator

Robert Groth of Emmaus Lutheran School; Administrator Cal Behrens; Administrator James Landskroener; Administrator Rick Kerr; Administrator Joel Rolf; Administrator Randy Strakis; Administrator Richard Hanebutt; Administrator Kristi Sombke; and the District Representative from Fort Wayne, Dave Ebeling.

The resolution was read a first time and adopted by voice vote.

House Resolution 17

Representative Frizzell introduced House Resolution 17:

A HOUSE RESOLUTION to honor the late George Johnson, Jr. for his years of service as doorkeeper for the Indiana House of Representatives.

Whereas, George Johnson, Jr. faithfully served as doorkeeper for the Indiana House of Representatives for 19 years;

Whereas, George Johnson, Jr. was married to his wife Charlotte for 65 years;

Whereas, George Johnson, Jr. is survived by three sons: Russell Johnson of Las Vegas, Nevada; Dennis Johnson of Indianapolis, Indiana; and Reverend Scott Johnson of Washington, Indiana;

Whereas, George Johnson, Jr. is survived by eight grand children and two great-grandchildren;

Whereas, George Johnson, Jr. lived in the same neighborhood for 61 years, where he was Precinct committeeman for 10 years (circa 1955-1964) before becoming Ward Chairman for 32 years (circa 1965-1997);

Whereas, George Johnson, Jr. served as an active member of St. Andrew United Methodist Church;

Whereas, George Johnson, Jr. belonged to the Perry Township Republican Club;

Whereas, George Johnson, Jr. was a frequent delegate to the Republican State Convention;

Whereas, George Johnson, Jr. was an avid golfer, bowler, and horseshoe pitcher; and

Whereas, George Johnson, Jr. is to be commended for his years of community service and will be remembered as one of the faithful doorkeepers to have graced the halls of the Indiana State Capitol building: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives does honor the late George Johnson, Jr. for his 19 years of service (1981-2000) as doorkeeper for the Indiana House of Representatives.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the family of George Johnson, Jr.

The resolution was read a first time and adopted by voice vote.

The House stood for a moment of silence in memory of George Johnson Jr.

INTRODUCTION OF BILLS

The following bills were read a first time by title and referred to the respective committees:

ESB 1 — Turner, Borrer (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

ESB 13 — T. Harris, L. Lawson (Courts and Criminal Code)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

ESB 18 — Foley (Government and Regulatory Reform)
A BILL FOR AN ACT to amend the Indiana Code concerning elections.

ESB 54 — Foley (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

ESB 76 — Noe, Turner (Public Policy and Veterans Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning health.

ESB 175 — Neese, Ulmer, Reske (Courts and Criminal Code)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

ESB 180 — Richardson (Courts and Criminal Code)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

ESB 198 — Turner (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning property.

ESB 206 — Lehe, Reske (Public Health)
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

ESB 218 — Whetstone, Kuzman, Becker, V. Smith (Insurance)
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

ESB 219 — Woodruff, Goodin (Public Safety and Homeland Security)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

ESB 231 — Behning, Porter (Education)
A BILL FOR AN ACT to amend the Indiana Code concerning education.

ESB 242 — Messer, Crawford (Roads and Transportation)
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

ESB 245 — Foley, L. Lawson, Messer, Crawford (Public Safety and Homeland Security)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

ESB 263 — T. Brown, Klinker (Environmental Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning health.

ESB 267 — Gutwein, Grubb, Friend (Agriculture and Rural Development)
A BILL FOR AN ACT to amend the Indiana Code concerning property.

ESB 281 — Behning (Education)
A BILL FOR AN ACT to amend the Indiana Code concerning education.

ESB 306 — Neese, Friend, Walorski, Ulmer (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning health.

ESB 307 — Behning, Hinkle (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

ESB 308 — Hinkle, Oxley (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

ESB 322 — Foley (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

ESB 326 — Frizzell (Education)
A BILL FOR AN ACT to amend the Indiana Code concerning education.

- ESB 329** — Saunders, Pflum (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- ESB 332** — Ruppel, Davis, Goodin, Denbo (Education)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- ESB 334** — Frizzell (Courts and Criminal Code)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- ESB 335** — Espich, Crawford (Government and Regulatory Reform)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.
- ESB 340** — Budak, Crawford (Family, Children and Human Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.
- ESB 341** — Richardson, Thomas (Elections and Apportionment)
A BILL FOR AN ACT to amend the Indiana Code concerning elections.
- ESB 352** — Becker, Dvorak (Public Safety and Homeland Security)
A BILL FOR AN ACT to amend the Indiana Code concerning public safety.
- ESB 363** — Foley, Kuzman (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.
- ESB 371** — Behning (Education)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- ESB 372** — Thompson (Education)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- ESB 373** — Borrer (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.
- ESB 382** — Duncan, Alderman (Public Policy and Veterans Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.
- ESB 400** — Buell, Klinker (Courts and Criminal Code)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- ESB 411** — Alderman (Commerce, Economic Development and Small Business)
A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.
- ESB 414** — T. Harris, Borrer (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- ESB 417** — Thomas, Tincher (Government and Regulatory Reform)
A BILL FOR AN ACT concerning corrections.
- ESB 419** — Koch, Foley, Welch (Elections and Apportionment)
A BILL FOR AN ACT to amend the Indiana Code concerning elections.
- ESB 420** — Budak, Crawford (Family, Children and Human Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning children.
- ESB 424** — Richardson (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.
- ESB 428** — T. Brown (Insurance)
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.
- ESB 433** — Behning, Klinker, Duncan (Education)
A BILL FOR AN ACT to amend the Indiana Code concerning the arts.
- ESB 442** — Hoffman, Bischoff (Natural Resources)
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.
- ESB 444** — Friend, Grubb (Courts and Criminal Code)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- ESB 446** — Wolkins (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.
- ESB 452** — Borrer, T. Harris (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning transportation.
- ESB 467** — Buell (Roads and Transportation)
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.
- ESB 474** — Becker, Welch (Education)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.
- ESB 480** — Thomas, Richardson (Elections and Apportionment)
A BILL FOR AN ACT to amend the Indiana Code concerning elections.
- ESB 482** — Thomas, Richardson (Elections and Apportionment)
A BILL FOR AN ACT to amend the Indiana Code concerning elections.
- ESB 483** — Heim, T. Brown, Walorski, Thomas (Elections and Apportionment)
A BILL FOR AN ACT to amend the Indiana Code concerning elections.
- ESB 484** — Alderman, Tincher (Public Safety and Homeland Security)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.
- ESB 487** — Leonard, Dodge, T. Adams (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning transportation.
- ESB 493** — Ruppel, Koch, Austin, Pierce (Technology, Research and Development)
A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration and to make an appropriation.
- ESB 496** — Espich, Crawford (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- ESB 498** — Hinkle, VanHaaften (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure and local government.
- ESB 499** — Richardson, Thomas (Elections and Apportionment)
A BILL FOR AN ACT to amend the Indiana Code concerning elections.
- ESB 508** — Torr (Employment and Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

- ESB 518** — Friend, Grubb, Leonard (Natural Resources)
A BILL FOR AN ACT to amend the Indiana Code concerning property.
- ESB 523** — Borrer, Moses (Family, Children and Human Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning human services.
- ESB 533** — Lehe (Roads and Transportation)
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.
- ESB 554** — Hoffman, Bischoff (Natural Resources)
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.
- ESB 564** — Foley, Torr (Financial Institutions)
A BILL FOR AN ACT to amend the Indiana Code concerning property.
- ESB 569** — Becker, C. Brown (Public Safety and Homeland Security)
A BILL FOR AN ACT to amend the Indiana Code concerning health.
- ESB 572** — T. Brown, C. Brown (Public Health)
A BILL FOR AN ACT concerning Medicaid.
- ESB 574** — Becker, Avery (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- ESB 590** — Budak, C. Brown (Public Health)
A BILL FOR AN ACT to amend the Indiana Code concerning health.
- ESB 598** — Behning, Porter (Education)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- ESB 603** — Frizzell, C. Brown (Public Health)
A BILL FOR AN ACT to amend the Indiana Code concerning health.
- ESB 607** — Alderman (Public Health)
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.
- ESB 611** — Buell (Public Safety and Homeland Security)
A BILL FOR AN ACT to amend the Indiana Code concerning pensions.
- ESB 612** — Torr (Employment and Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.
- ESB 615** — Becker, C. Brown (Public Health)
A BILL FOR AN ACT to amend the Indiana Code concerning human services.

- ESB 619** — Wolkins (Environmental Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.
- ESB 626** — Whetstone (Public Policy and Veterans Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning riverboat certificates of inspection.
- ESB 634** — Hoffman, Saunders (Insurance)
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

INTRODUCTION OF JOINT RESOLUTIONS

The following joint resolutions were read a first time by title and referred to the respective committees:

ESJR 7 — Turner, Burton, Borders, Ruppel (Judiciary)

A JOINT RESOLUTION proposing an amendment to Article 1 of the Constitution of the State of Indiana concerning the definition of marriage.

Be it resolved by the General Assembly of the State of Indiana:

SECTION 1. The following amendment to the Constitution of the State of Indiana is proposed and agreed to by this, the One Hundred Fourteenth General Assembly of the State of Indiana, and is referred to the next General Assembly for reconsideration and agreement.

SECTION 2. ARTICLE 1 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS: **Section 38. (a) Marriage in Indiana consists only of the union of one man and one woman.**

(b) This Constitution or any other Indiana law may not be construed to require that marital status or the legal incidents of marriage be conferred upon unmarried couples or groups.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that Representative Koch be added as cosponsor of Engrossed Senate Bill 373.

BORROR

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Becker, the House adjourned at 2:15 p.m., this eighth day of March, 2005, until Thursday, March 10, 2005, at 1:30 p.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives